

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

Call to Order: By **CHAIRMAN RIC HOLDEN**, on March 21, 2001 at 3:20 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Ric Holden, Chairman (R)
Sen. Pete Ekegren, Vice Chairman (R)
Sen. Mike Halligan (D)
Sen. Greg Jergeson (D)
Sen. Walter McNutt (R)
Sen. Arnie Mohl (R)
Sen. Linda Nelson (D)
Sen. Corey Stapleton (R)
Sen. Jon Tester (D)
Sen. Tom Zook (R)

Members Excused: Sen. Gerald Pease (D)

Members Absent: None.

Staff Present: Laramie Cumley, Committee Secretary
Doug Sternberg, Legislative Services

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 315
Executive Action: HJ 6, HB 492

HEARING ON HB 315

Sponsor: REP. DAVE GALLIK, HD 52, Helena

Proponents: Gina Wiest, Lewis and Clark Humane Society
Linda Hughes, Montana Animal Care Association
Denise Tarr, Lewis and Clark Humane Society
Sandy Newton, Lewis and Clark Humane Society
Tracy Hurd, Montana Animal Care Association

Jane Benson, Self
Gary Spath, Lewis and Clark Humane Society
Mike Barrett, Self

Opponents: **Steve Benedict, Senior Professional Rodeo Association**

Opening Statement by Sponsor:

REP. DAVE GALLIK, HD 52, Helena, said this bill was brought to him by the Lewis and Clark County and Cascade County Humane Societies. This bill is to ensure that Humane Societies have the ability to continue to operate in the event where they have to spend a lot of their own monies after a cruelty situation in which they have had to pay for veterinary costs, shelter, etc. He said the agricultural groups such as the rodeo association. support this bill. He said they would like to treat the people that are committing this crime appropriately and will have to pay for damages that have been caused. He discussed section 2 and 3 of the bill. He said section 5 discusses the exemptions of this bill. He said humane societies that deal with the cruelty of animals don't get any state tax dollars. He said any tax dollars that do go to humane societies come from locals. He said only about 1/4 of tax dollars come from local contributions the rest comes from donations and fund raising activities. If there are two or three major cases of animal cruelty it can wipe out the budget of a humane society.

{Tape : 1; Side : A ; Approx. Time Counter : 7.3}

Proponents' Testimony:

Gina Wiest, Lewis and Clark Humane Society, rose in support of HB 315. **EXHIBIT(ags64a01)**

Linda Hughes, MT Animal Care Association, turned in testimony in support of HB 315. **EXHIBIT(ags64a02)**. She also read a memorandum from Dave Pauli. **EXHIBIT(ags64a03)** She handed out pamphlets. **EXHIBIT(ags64a04)**

{Tape : 1; Side : A ; Approx. Time Counter : 14.8 }

Denise Tarr, Lewis and Clark Humane Society, rose in support of HB 315. **EXHIBIT(ags64a05)** She discussed the folder called First Strike, Animal Cruelty/Human Violence **EXHIBIT(ags64a06)**

Sandy Newton, Lewis and Clark Humane Society, turned in testimony in favor of HB 315. **EXHIBIT(ags64a07)**

Tracy Hurd, Montana Animal Care Association, rose in support of HB 315. **EXHIBIT(ags64a08)** She also passed out pictures of animal cruelty cases. **EXHIBIT(ags64a09)**

{Tape : 1; Side : A ; Approx. Time Counter : 24.7 }

Curt McAlpin, Helena Police Department, rose in support of HB 315. **EXHIBIT(ags64a10)**

Jane Benson, Self, turned in and discussed several letters of support for HB 315. **EXHIBIT(ags64a11)**

{Tape : 1; Side :B ; Approx. Time Counter : 5.8 }

Gary Spath, Lewis and Clark Humane Society, said they would like to get the Montana law on this issue brought up to date with other states. He said there are some amendments to the bill that would make it stronger. They would like to change the definition of the bill so that it is similar with what other states have. He said they would also like to change the penalties and require counseling or letting the courts decide on counseling. Humane Societies are a good example of corporative government and private involvement. He said they have tight budgets as only 1/4 of their money comes from tax dollars and the rest comes from other funds. Their budget in Lewis and Clark County is about \$400,000. He said most of these cases occur in Justice Court and normally the probation officer is in charge of trying to get restitution. He said the Justice of the Peace or City Judge does not have the authority or resources to get restitution.

Mike Barrett, Self, rose in support of HB 315.

{Tape : 1; Side : B ; Approx. Time Counter : 13.0 }

Opponents' Testimony:

Steve Benedict, Senior Professional Rodeo Association said the introduced version of this bill comes out of the animal rights activists' handbook. The House has amended this heavily but could still be a problem. Ag producers, rodeos, and county fairs are backed in this bill by the words " gross negligence." He said people who do not understand the agriculturists way of life such as the 9th Circuit Court of Appeals will be deciding what gross negligence is in terms of how livestock is handled, or rodeos. He said he is an advocate of Humane Societies and the taking care of abandoned and unwanted animals. This bill goes a lot further than that and could lead to more animal rights activist's bills.

{Tape : 1; Side : B ; Approx. Time Counter : 16.9 }

Questions from Committee Members and Responses:

SEN. STAPLETON asked on page 5, what other types of laws have they ever required someone who is accused, to pay money and to pay it to the person who is enforcing the law such as a police officer.

REP. GALLIK said the last line on page 4 explains this.

SEN. STAPLETON said why the money to the person who picks up the offender.

REP. GALLIK said he did not quite understand what he is asking. He said under subsection (a), page 5, it talks about the court requiring the defendant to pay. The confusion could be in the word "defendant". However in subsection 2, "it says the person convicted of the offense".

SEN. STAPLETON referred to lines 28 and 29 on page 4. He asked what if the person does not participate in the offense but are accused. He asked if it is legitimate to take from the person being accused and give it to the person who has accused you of the offense.

REP. GALLIK said that is a policy decision that this body has the ability to make under those circumstances.

SEN. MIKE HALLIGAN asked if they would try to reinsert the language that the House struck, would they jeopardize the bill.

REP. GALLIK said possibly.

SEN. HALLIGAN asked if he had any experiences where they charged a fair, rodeo or other agricultural entities.

Curt McAlpin said no, he has only dealt with domestic animals, but they look at husbandry. He said they are not going out and target ranchers. He said they look at instances that are a mitigated.

SEN. HALLIGAN asked if there has ever been any proof of negligence by a rodeo or county fair in the past.

Steve Benedict said he was not aware of any under existing law, but this bill could open that up.

SEN. HALLIGAN asked how this could affect rodeo organizations.

Steve Benedict said this excludes rodeos, livestock producers and general agricultural practices unless gross negligence can be shown.

Curt McAlpin said when an incidence occurs an officer goes out to investigate and they look for intent.

Closing by Sponsor:

REP. GALLIK said he went to great lengths to make sure that the rodeo Associations were satisfied. He said **REP. SHOCKLEY** put in the gross negligence. He said this bill does not come from some type of left wing animal rights organization. He said it comes from research that has been done in other states. He said the money part of this bill is extremely important to the Humane Societies. He said their whole budget could be wiped out by one cruelty case. He quoted from the Great Falls Tribune, March 12, 2001, Experts see link between animal cruelty and human violence.

{Tape : 2 Side : A; Approx. Time Counter :6.2 }

EXECUTIVE ACTION ON HJ 6

Doug Sternberg, Legislative Services said he had some amendments for the bill. **HJ000601.akl** and **HJ000601.ads**.

EXHIBIT (ags64a12) EXHIBIT (ags64a13)

Motion: **Motion:** **SEN. ZOOK** moved that **HJ 6** be indefinitely postponed.

Discussion:

SEN. HALLIGAN said he did not think it would hurt them to at least study something even though they might not get any funding. He said it would be nice if they could sell products on a worldwide basis and wondered if the bill was going to help or hurt them in trying to market products. He said this is just a study and not an actual law being put in place.

SEN. HOLDEN said they would be wasting money as this is a federal and global issue.

Motion: **SEN. JERGESON** moved that **AMENDMENTS HJ00601.AKL AND HJ000601.ADS BE ADOPTED.**

Discussion:

SEN. HOLDEN said before they go through the amendments they should vote on the postponement motion first to see what direction to head in.

SEN. JERGESON said his amendments narrow the focus of the joint resolution and may cause some members to change their minds. These amendments change the resolution to make it manageable for an interim committee to study.

Substitute Motion: **SEN. JERGESON** made a substitute motion that **HJ 6 BE CONCURRED IN.**

Motion: **SEN. JERGESON** moved that **AMENDMENTS HJ000601.ads BE ADOPTED.**

Discussion:

SEN. JERGESON passed out HJ000601.ads and explained them.

{Tape : 2; Side : A ; Approx. Time Counter :15.3 }

Vote: Motion **carried 8-2 with Holden and Zook voting no.**

Motion: **SEN. JERGESON** moved that **HJ 6 BE CONCURRED IN AS AMENDED.**

Discussion:

SEN. NELSON said the amendments have watered down the resolution. She said she has visited with people in Japan, Taiwan, Hong Kong and China and to kill this bill would be sending them the wrong message. Taiwan is the chief purchaser of wheat and telling them that we are not concerned is sending the wrong message.

SEN. ZOOK said the reason he does not think that this bill has value is because this is a national issue not a Montana issue. The state does not have the equipment to evaluate this and understand the scientific explanation.

SEN. MCNUTT said he had asked during the hearing how many acres of GMO product there was in the state. He said there is less than one acre in wheat and some canola. He said he does not know what they would accomplish by passing this bill. It is a very emotional issue and is a national issue.

SEN. HOLDEN passed out 2 letters of opposition for this bill.
EXHIBIT (ags64a14) EXHIBIT (ags64a15)

Substitute Motion/Vote: SEN. MOHL moved to INDEFININELY POSTPONE HJ 6 AS AMENDED. Motion carried 6-4 with Halligan, Jergeson, Nelson, and Tester voting no.

EXECUTIVE ACTION ON HB 492

Motion: SEN. ZOOK moved that AMENDMENTS HB049204.ADS BE ADOPTED. EXHIBIT (ags64a16)

Discussion:

SEN. ZOOK explained the amendments.

{Tape : 2; Side : A ; Approx. Time Counter : 25.2 }

Vote: Motion carried unanimously.

Motion: SEN. EKEGREN moved that AMENDMENTS HB049205.ADS BE ADOPTED. EXHIBIT (ags64a17)

Discussion:

Doug Sternberg, Legislative Services, explained the amendments. He said #3 should be voted upon separately.

Bob Lane explained amendment #2. (EXHIBIT 17)

SEN. HOLDEN said he feels the department is going to set standards that have to be met and set some sort of goals and he does not feel the amendment is needed.

SEN. HALLIGAN said the department is doing a good job and the termination date of 2007 needs to be tied to the bill.

Vote: Motion to adopt amendments one and two carried 7-3 with Holden, Mohl, and Stapleton voting no.

Motion/Vote: SEN. EKEGREN moved that TERMINATION DATE AMENDMENT BE ADOPTED. Motion carried 8-2 with Mohl and Stapleton voting no.

Motion: SEN. EKEGREN moved that HB 492 BE CONCURRED IN AS AMENDED.

Discussion:

{Tape : 2; Side : B ; Approx. Time Counter : 5.3 }

SEN. STAPLETON said this is a bigger issue and he does not agree with how many prairie dogs there are exactly. He said they really do not know for sure if they have 10 Million and how can they tell if they need to go on the endangered species list or not.

SEN. ZOOK said this is a judgment call and would like to get it out of committee.

SEN. EKEGREN said it makes more sense to have the state manage this rather than the federal government. He said if they let the federal government manage the prairie dogs then private land may end up being managed also.

SEN. HALLIGAN said under the current federal administration there will be reluctance to intervene in state's rights areas.

SEN. JERGESON said there are many ranchers who are knee deep in prairie dogs. He said there has been meetings to try and get federal support for what the state is trying to do and to manage these areas.

SEN. MOHL said he is getting tired of the government telling him what he can and cannot do on his ranch. He said he does not like the damage that the prairie dog do to the land and causes broken legs on animals and he is going to vote against this bill.

SEN. MCNUTT said he is concerned as the Montana Wildlife Federation came in and testified and said this is the first step. However, the Stockgrowers are supporting this and he will, too.

SEN. HOLDEN said this is not good public policy to vote for a bill just because certain organizations support it. He said they need to look at the facts of the bill. There are 70,000 acres of prairie dogs in Montana and in testimony it was stated that there could be a 1-5% reduction in the Montana historical habitat for prairie dogs. He said he would like to table this bill.

SEN. ZOOK said it is not just the Stockgrowers who are supporting this bill but many other ranchers and ag groups. This bill is politics.

SEN. HOLDEN turned in a letter of opposition from **James and Cathy Leahy**. **EXHIBIT**(ags64a18)

Vote: Motion **carried 6-4.**

ADJOURNMENT

Adjournment: 5:00 P.M.

SEN. RIC HOLDEN, Chairman

LARAMIE CUMLEY, Secretary

RH/LC

EXHIBIT (ags64aad)